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Attorneys for Defendant, Wal-Mart Stores East, LP (also improperly referred to in the
Complaint as Wal-Mart of Newton)

HEATHER WHITE and CRAIG WHITE, : UNITED STATES DISTRICT COURT
Her husband, : DISTRICT OF NEW JERSEY
: NEWARK DIVISION

Plaintiffs, : CIVIL ACTION NO. 2:09-cv-2405-WHW-CCC

vs. CIVIL ACTION

WAL-MART OF NEWTON, and WAL-MART : ANSWER, SEPARATE DEFENSES,
STORES EAST, L.P., JOHN DOE I-X and : DEMAND FOR WRITTEN
ABC CORPORATION I-10, meant to indicate : STATEMENT OF DAMAGES,
persons or entities who had control, maintenance, : NOTICE OF DESIGNATION OF
construction, manufacturing, installation or other : TRIAL COUNSEL, JURY DEMAND
responsibilities regarding the sign which caused : AND CERTIFICATION
the plaintiff's injury,
Defendants.

Defendant, Wal-Mart Stores East, LP, also improperly referred to in the Complaint as Wal-
Mart of Newton, by way of Answer to the Complaint of the plaintiffs, states:

JURISDICTION

Defendant denies that the United States District Court for the District of New Jersey has
original diversity jurisdiction pursuant to 28 U.S.C. Sec. 1332(a)(1).

FIRST COUNT

1. Defendant denies the allegations contained in this paragraph.
2. Defendant denies the allegations contained in this paragraph.
3. The allegations contained in this paragraph do not apply to this defendant. Insofar as
they may apply to this defendant, they are denied.
4. Defendant denies the allegations contained in this paragraph.

SECOND COUNT

1. Defendant repeats and reiterates each and every answer contained in the First Count hereof as if fully set forth at length herein.

2. Defendant lacks sufficient knowledge upon which to form a belief as to the allegations contained in this paragraph and leaves plaintiffs to their proofs.

SEPARATE DEFENSES

1. Defendant was guilty of no negligence whatsoever.

2. Defendant breached no legal duty proximately owed to plaintiffs and, therefore, is blameless.

3. The alleged incident and resultant injuries to plaintiffs, if any, were the direct and proximate result of the sole or contributory negligence of the plaintiffs herein and, therefore, relief should be either barred or diminished by virtue of operation of New Jersey Comparative Negligence Law.

4. The alleged incident and resultant injuries to plaintiffs, if any, were the direct and proximate result of the sole or contributory negligence of third persons over whom this defendant had no control.

5. The within Complaint of plaintiffs and the relief sought therein must be dismissed as against this defendant for the same fails to state a cause of action upon which relief may be granted.

6. This claim is barred or limited by reason of virtue of operation of the New Jersey Collateral Source Rule; N.J.S.A. 2:15-97 and or N.J.S.A. 39:6A-6.

7. Plaintiffs have failed to mitigate damages.

8. The within Complaint of plaintiffs is barred by the New Jersey Statute of Limitations for personal injury actions.

9. The within Complaint of plaintiffs is barred by the Doctrine of Laches.

10. Defendant denies notice and/or constructive notice.

11. The Complaint is limited or barred because plaintiff was a trespasser.

DEMAND FOR WRITTEN STATEMENT OF DAMAGES

Please take notice that defendant demands within five days after service hereof, a Written Statement of Amount of Damages Claimed in the Complaint from plaintiffs.

DESIGNATION OF TRIAL COUNSEL

The Court is hereby advised that Richard D. Millet, Esq. is hereby designated as trial counsel.

JURY DEMAND

Defendant demands a trial by a jury as to all issues involved herein.

RICHARD D. MILLET & ASSOCIATES LLC
Attorneys for Defendant,
Wal-Mart Stores East, LP, also improperly
referred to in the Complaint as Wal-Mart of
Newton

Dated: July 1, 2009

By: 
RICHARD D. MILLET, ESQ.

CERTIFICATION OF SERVICE

Richard D. Millet, Esquire, declares as follows:

1. I am an attorney-at-law of the State of New Jersey with the firm of Richard D. Millet & Associates LLC, Attorney for Defendant, Wal-Mart Stores East, LP, also improperly referred to in the Complaint as Wal-Mart of Newton, and as such, I am familiar with the facts set forth herein.

2. I hereby declare that on this date I served a copy of the within Answer upon the plaintiff in this action by mailing the same via first-class mail, postage prepaid, to the attorney for plaintiffs, Francis M. Smith, Esquire, P.C., 928 Mountain Avenue, P.O. Box 1400, Mountainside, New Jersey 07092.

3. Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 1, 2009

By: 

RICHARD D. MILLET, ESQ.